



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/801,999	03/15/2004	Donald F. Box	MS1-1957US	3338
22801	7590	03/03/2009		
LEE & HAYES, PLLC 601 W. RIVERSIDE AVENUE SUITE 1400 SPOKANE, WA 99201			EXAMINER ZHANG, SHIRLEY X	
			ART UNIT 2444	PAPER NUMBER
			MAIL DATE 03/03/2009	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/801,999

Applicant(s)

BOX ET AL.

Examiner

SHIRLEY X. ZHANG

Art Unit

2444

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 23 January 2009.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-37 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-37 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SE/US)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Claims 1-37 were previously pending;

No claim has been amended or cancelled;

Claims 1-37 are now pending;

Claims 1-37 are rejected;

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on January 23, 2009 has been entered.

Response to Affidavit under 37 C.F.R. § 1.132

2. The declaration under 37 CFR 1.132 filed on January 23, 2009 is insufficient to overcome the rejection of claims 1-37 based upon 35. U.S.C. 102(a) as set forth in the last Office action.

The declaration merely reiterates what has been stated in the "Oath or Declaration" submitted with the original application - "the subject matter claimed in the Subject Application (U.S. Application No. 10/801,999) was conceived and invented by the inventors of the Subject Application."

Section 715.01(c).I. of the MPEP states “an affidavit or declaration by applicant alone indicating that applicant is the sole inventor and that the others were merely working under his or her direction is sufficient to remove the publication as a reference under 35 U.S.C. 102(a) In re Katz 687 F.2d 450, 215 USPQ 14 (CCPA 1982).”

The declaration submitted by the applicant failed to fulfill the requirement that the affidavit must indicate that persons named in the publication but not named as inventors in the Subject Application were merely working under the discretion of the inventor(s).

Therefore, for the purpose of removing the Bosworth publication as prior art reference, the declaration is considered insufficient

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

1. **Claims 1-3, 5-13, 15-23, 25-33 and 35** are rejected under 35 U.S.C. 102(b) as being anticipated by the published document “Web Services Addressing (WS-Addressing) authored by Bosworth et al., hereinafter “Bosworth”.

Regarding claims 1, 11, 21 and 31, Bosworth teaches a method for, a computer readable medium comprising instructions for, a computer device for and a computing device comprising means for open content model Web service messaging in a networked computing environment, the method comprising:

generating a transport neutral message (page 2, “Abstract” discloses that WS-addressing enables message transmission in a transport-neutral manner) comprising message recipient (page 8, section 3. “Message information header” discloses the property [recipient]), endpoint addressing information (page 8, section 3 discloses the property [destination]), and one or more reference properties (page 8-9, section 3 discloses other reference properties such as [source endpoint] and [reply endpoint]) comprising selectively opaque message context (page 8, section 3. discloses “message information header”, which is a message context”);

binding the transport neutral message to a transport protocol for communication to the message recipient (page 7, section 2.3 “Binding Endpoint References” discloses binding the message to a transport protocol such as SOAP or WSDL); and
wherein at least a portion of the selectively opaque message context is not directed to the message recipient (page 12, section 4 “Security Considerations” discloses that the message information headers blocks MAY have their contents encrypted in order to obtain end-to-end privacy, but care should be taken to ensure that intermediary processors have access to required information (e.g. <wsa:To>); it is inherent in the above disclosure that the message information header is opaque to the intermediaries that does not need access to the information in the header).

Further regarding claim 21, it is inherent in Bosworth that the web services are realized using a computing device that comprises a processor and a memory coupled to the processor, as the Web is a network of computing devices.

Regarding claims 2, 12, 22 and 32, Bosworth teaches the method, the computer readable medium comprising instructions, the computer device and the computing device comprising means, as recited in claims 1, 11, 21 and 31 respectively.

Bosworth further teaches that the selectively opaque context directs an endpoint to send one or more responses to a message source, the message source not being the message recipient (page 8-9, section 3 discloses that the message information header may have the property [source endpoint], which is not the same as [recipient]).

Regarding claims 3, 13, 23 and 33, Bosworth teaches the method, the computer readable medium comprising instructions, the computer device and the computing device comprising means, as recited in claims 1, 11, 21 and 31 respectively.

Bosworth further teaches that a portion of the selectively opaque context directs the message recipient as to how to handle one or more messages sent to the endpoint in a session (page 11, section 3.1 discloses that the element “/wsa:Recipient” conveys the entire endpoint reference of the recipient and senders may elect to add this header as a processing hint to downstream nodes).

Regarding claims 5, 15, and 25, Bosworth teaches the method, the computer readable medium comprising instructions, the computer device and the computing device comprising means, as recited in claims 1, 11, and 21 respectively.

Bosworth further teaches that the selectively opaque message context is based on an Extended Markup Language (XML) messaging protocol (page 7-8, section 2.3 discloses a sample message in the XML format).

Regarding claims 6, 16, and 26, Bosworth teaches the method, the computer readable medium comprising instructions, the computer device and the computing device comprising means, as recited in claims 1, 11, and 21 respectively.

Bosworth further teaches that in binding, the transport protocol is based on Simple Object Access Protocol (SOAP) (page 7, section 2.3 discloses using SOAP binding for endpoint references).

Regarding claims 7, 17, and 27, Bosworth teaches the method, the computer readable medium comprising instructions, the computer device and the computing device comprising means, as recited in claims 1, 11, and 21 respectively.

Bosworth further teaches that the addressing information and selectively opaque message context are respectfully specified by an endpoint reference (page 4, section 2 "Endpoint References") and message information headers (page 8, section 3 "Message Information Header").

Regarding claims 8, 18, and 28, Bosworth teaches the method, the computer readable medium comprising instructions, the computer device and the computing device comprising means, as recited in claims 1, 11, and 21 respectively.

Bosworth further teaches that the endpoint reference is self-contained service endpoint description (page 5, section 2.1 discloses a self-contained set of properties an endpoint reference consists of).

Regarding claims 9, 19, and 29, Bosworth teaches the method, the computer readable medium comprising instructions, the computer device and the computing device comprising means, as recited in claims 1, 11, and 21 respectively.

Bosworth further teaches that the endpoint reference and/or message information headers provide identification and description of specific service instances and/or specific instance details (page 6, section 2.2 discloses that an endpoint reference contains information such as

"/wsa:EndpointReference/wsa:PortType", "/wsa:EndpointReference/wsa:ServiceName", and "/wsa:EndpointReference/wsa:ServiceName/@PortName" that identify and describe the service instances and/or specific instance details).

Regarding claims 10, 20, and 30, Bosworth teaches the method, the computer readable medium comprising instructions, the computer device and the computing device comprising means, as recited in claims 1, 11, and 21 respectively.

Bosworth further teaches that the message information headers further comprise a reply to property identifying an intended recipient for a reply to the transport neutral message (page 8, section 3 discloses the element [reply endpoint] in a message information header), a relates to property that indicates how the transport neutral message relates to a different transport neutral message (page 9, section 3 discloses the element [relationship] in a message information header).

Regarding claim 35, Bosworth teaches a computer-readable medium comprising an open content model data structure thereon, the open content model data structure comprising:

a message recipient data field (page 8, section 3, "Message information header" discloses the property [recipient]);

an endpoint addressing data field (page 8, section 3 discloses the property [destination]);
and

one or more reference properties data fields comprising selectively opaque message context (page 8-9, section 3 discloses other reference properties such as [source endpoint] and [reply endpoint]) comprising selectively opaque message context (page 8, section 3. discloses "message information header", which is a message context"), at least a portion of the selectively opaque message context is not directed to the message recipient (page 12, section 4 discloses that

a message may contain multiple message information header blocks, where it is inherent that these blocks can be directed to targets that are not the message recipient).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. **Claims 4, 14, 24, 34, 36 and 37** are rejected under 35 U.S.C. 103(a) as being unpatentable over Bosworth as applied to claims 1, 11, 21 and 31 above, and further in view of the published document “Web Services Coordination (WS-Coordination) authored by Cabrera et al., hereinafter “**Cabrera**”.

Regarding claims 4, 14, 24 and 34, Bosworth teaches the method, the computer readable medium comprising instructions, the computer device and the computing device comprising means, as recited in claims 1, 11, and 21 respectively.

Bosworth does not disclose but Cabrera discloses that wherein the message recipient is a service coordinator (Cabrera, page 4, Fig.1 and page 7, Fig. 2 disclose web service architectures where coordinators are introduced to coordinate activities; page 6, section 2 disclose an example of “Coordination Context” that is used to pass coordination information to parties involved in a coordination service).

It would have been obvious for one of ordinary skill in the art at the time of the invention to combine Bosworth with Cabrera so that the message recipient is a service coordinator. The

fact that Cabrera utilizes web services addressing in an extensible framework for coordinating activities (page 11, lines 1-2) is itself an example of combining Bosworth with Cabrera, therefore would have motivated one of ordinary skill to do the same.

Regarding claim 36, the combination of Bosworth and Cabrera teaches the computing device as recited in claim 34.

Bosworth further teaches that the selectively opaque context directs an endpoint to send one or more responses to a message source, the message source not being the message recipient (page 8-9, section 3 discloses that the message information header may have the property [source endpoint], which is not the same as [recipient]).

Regarding claim 37, the combination of Bosworth and Cabrera teaches the computing device as recited in claim 34.

Bosworth further teaches that a portion of the selectively opaque context directs the message recipient as to how to handle one or more messages sent to the endpoint in a session (page 11, section 3.1 discloses that the element “/wsa:Recipient” conveys the entire endpoint reference of the recipient and senders may elect to add this header as a processing hint to downstream nodes).

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to SHIRLEY X. ZHANG whose telephone number is (571)270-5012. The examiner can normally be reached on Monday through Friday 7:30am - 5:00pm EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William Vaughn can be reached on (571) 272-3922. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Shirley X. Zhang/
Examiner, Art Unit 2444
2/27/2009

/Paul H Kang/
Primary Examiner, Art Unit 2444